

FACTSHEET

TITLE: **COMPREHENSIVE PLAN AMENDMENT NO. 03011**, by the Director of Planning, at the request of Kent Seacrest, on behalf of Meginnis Farm Joint Venture, Ridge Development Company, and Southview, Inc., to amend the 2025 Lincoln/Lancaster County Comprehensive Plan, to revise the Community Center commercial designation to designate specifically the northwest and northeast corners of 98th and O Street as a Community Center; and to revise the light industrial designation for a future "employment center" to specifically designate an area northwest of 98th and O Street as Industrial, as set forth on p.12.

STAFF RECOMMENDATION: Approval of Site Specific "Community Center" and "Light Industrial" designation, as set forth on p11.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/21/03
Administrative Action: 05/21/03

RECOMMENDATION: **Approval of the staff recommendation (p.11)** (6-0: Carlson, Larson, Duvall, Taylor, Steward and Schwinn voting 'yes'; Bills-Strand and Krieser absent).

FINDINGS OF FACT:

1. The applicant's original proposal included a Neighborhood Center at 98th and Holdrege Streets, and a request to designate Commercial and Industrial uses at 98th & "O" Streets. The staff recommendation had found that the 98th & Holdrege request was not in conformance with the Comprehensive Plan. The applicant withdrew the 98th & Holdrege request at the public hearing before the Planning Commission on May 21, 2003 (See Minutes, p.6). It was also clarified at this hearing that the specific timing for this development, the specific method to extend sewer to this development, and the specific alignment of 98th Street through this area were not a part of the amendment request.
2. The staff recommendation to approve the Site Specific "Community Center" and "Light Industrial" designation, as set forth on the map on p.11, is based upon the "Status/Description" and "Comprehensive Plan Implications" as set forth in the staff report on p.2-4, concluding that the plans for the 98th and O Street area are in the early stages, but this location is generally appropriate for the proposed uses.
3. The applicant's testimony is found on p.6-7.
4. Testimony in opposition is found on p.7-8, with concerns about the impact on the Sunrise Estates Community Association and the property owned by Lyle and Eileen Hall, in terms of annexation and violation of the city policy regarding lift stations. The record also consists of three letters addressing the issues raised by the opposition (p.19-26).
5. The applicant's response to the opposition is found on p.9, wherein he submitted an excerpt from the Mayor's Infrastructure Finance Committee Final Report, which recommends the use of "...force mains and lift stations as a temporary means for opening an area for future development." (See p.18).
6. On May 21, 2003, the Planning Commission voted 6-0 to approve the staff recommendation, as set forth on p.11.

FACTSHEET PREPARED BY: Jean L. Walker
REVIEWED BY: _____
REFERENCE NUMBER: FS\CC\2003\CPA.03011

DATE: June 23, 2003
DATE: June 23, 2003

2003 COMPREHENSIVE PLAN ANNUAL REVIEW

Comprehensive Plan Amendment No. 03011 98th Street, O Street to Holdrege Street Employment Center

Applicant	Location	Proposal
Kent Seacrest for Meginnis Farm Joint Venture, Ridge Development Company and Southview Inc.	Both sides of 98 th Street, from O Street to Holdrege Street	see below
Recommendation: Approval of Site Specific “Community Center” & “Light Industrial” designation The plans for the 98 th and O Street area are in the early stages, but this location is generally appropriate for these uses. The proposed Neighborhood Center at 98th and Holdrege is not in conformance with the goals of the Plan. (Note: The applicant withdrew the Neighborhood Center request during the public hearing before the Planning Commission)		

Status/Description

The applicant proposes the following:

- 1) Revise the Community Center commercial designation to designate specifically the northwest and northeast corners of 98th and O Street as a Community Center,
- 2) ~~Add a Neighborhood Center designation to the southwest corner of 98th and Holdrege Street,~~ **(Withdrawn by the applicant during the public hearing before the Planning Commission on May 21, 2003)**
- 3) Revise the light industrial designation for a future “employment center” to specifically designate an area northwest of 98th and O Street as light industrial, and
- 4) Specifically designate commercial and industrial uses in land use plan at 98th and O Street ~~and 98th and Holdrege.~~ **(The 98th and Holdrege request was withdrawn by the applicant during the public hearing before the Planning Commission on May 21, 2003)**

In addition to these amendments to the Comprehensive Plan, the applicant notes that they will be requesting annexation and urban services within a year. This property is designated as a Priority A, meaning services should be planned for within the next 12 years. The proposed Capital Improvement Program (CIP) for this year plans for services to this area just beyond the next six years.

The applicant has also stated their interest in temporarily providing sanitary sewer service to this area via a force main and lift station until the Stevens Creek trunk line is built. This proposal will be reviewed as part of their specific development proposal. At this point, a specific development, transportation and utility plan for this specific property and general area has not yet been submitted by the applicant.

The applicant is also proposing that 98th Street be realigned between Holdrege and O Street, due to a potential conflict with the edge of future Lower Platte South Natural Resources District (NRD) NRD dam. This is a preliminary proposal that has not been reviewed in any detail. Public Works and Utilities is planning doing an alignment and right-of-way study for several portions of North and South 98th Street.

Public Works and Utilities Watershed Management and the NRD are also in the beginning stages of a Stevens Creek Watershed Management study. One part of this study will be to identify the 100 year floodplain which is currently unmapped. This mapping will include a large tributary of Stevens Creek that runs through this proposal. That study is just beginning and is anticipated to be a two year process for completion and adoption.

Comprehensive Plan Implications

This application is one of four amendments dealing with future light industrial employment centers:

- 1) Stone Bridge Creek at N. 27th & I-80 (Amendment #03010)
- 2) 98th & O Street (#03011)
- 3) Wilderness Hills at ½ mile south of S. 40th and Yankee Hill Road (#03015)
- 4) Homestead Expressway and Warlick Blvd (#03019)

The “Wilderness Hills” employment center is a new site. The Stone Bridge Creek proposal is to reduce the size of the industrial area. Both this application and Amendment #03019 along the Homestead Expressway are to designate the Light Industrial and Community Center to specific properties. Both of these amendments are currently designated as not site specific and could be located anywhere within a ½ mile of the general location shown in the Plan.

In this vicinity, Southeast Community College (SCC) is to the west, and Hillcrest golf course and acreage subdivision is to the south. To the northeast of this intersection the Lower Platte South Natural Resources District (NRD) has planned a major pond and there is Sky Ranch Acres, an existing acreage subdivision. To the north is the Sunrise Estates acreage subdivision. Most of the remaining land is in agricultural use.

The NRD notes they are in the process of acquiring easements to build the dam, which will impact over 75 acres of the site. The applicants have requested that the NRD look into an alternate design to enlarge the structure and the NRD is considering the request.

As stated in the Comprehensive Plan, a new Community Center should have approximately 300,000 to 500,000 square feet (SF). The Plan offers an incentive for projects to develop with more square feet, if certain criteria are met. The applicant is not yet at a stage to develop a draft site plan for the Community Center, so there isn't a proposal yet to review in comparison with the incentive criteria.

The Comprehensive Plan shows that 98th Street will be improved to 4 lanes from Adams Street to Pine Lake Road. O Street is also shown for a major improvement to four lane freeway status. 112th Street is only designated as four lanes from Holdrege to Pioneers Boulevard in the Plan.

The Lincoln/ Lancaster County Health Department (LLCHD) states:

“This proposed comprehensive plan amendment locates industrial and commercial zoning adjacent to urban residential. Regarding locating commercial zoning adjacent to residential, the LLCHD concerns regarding some of the permitted uses in the H zoning classifications. This largely pertains to the storage of chemicals and/or hazardous materials in these zones. The LLCHD recommends at least 300 foot buffer between these commercial uses and residential zones. In addition, regarding the proposed sitting of the industrial zone adjacent to the residential zone, the LLCHD has been

advised that the preferred zoning will be I-3. The LLCHD will recommend placing restrictions within the use permit to address potential uses which may pose negative public health impacts.”

Public Works and Utilities notes several utility and road issues yet need to be resolved. A traffic impact analysis will be necessary and more issues to address in regards to the water and wastewater service. The proposal could impact the existing Regent Height sanitary sewer which has limited capacity for additional development. None of the improvements needed for this area are shown in the CIP in the upcoming years. Most are shown in the year 2009 or later. The improvement of O Street to 4 lanes with a depressed median is scheduled by the Department of Roads tentatively for 2009 and beyond.

Conclusion

After reviewing the properties within a ½ mile of 98th and O Street, the land northeast and northwest of the intersection of 98th and O Street do appear best suited for the location of the Community Center and Light Industrial designations, due to the proximity to SCC and the ability to provide for adequate buffers and future traffic capacity. Both 98th Street and O Street are shown for future improvements. The Plan shows that 98th Street will become a major north-south road corridor.

Light industrial uses adjacent to SCC provide for the opportunity for partnerships between SCC and future employers. It also provides a location further from existing or future residential uses. Light industrial uses to the north of Hillcrest also seem appropriate in terms of not impacting residential uses. The Plan states that the “Health Department should be involved in the all siting of new industrial centers to ensure the public’s health and safety.” (Page F39) The Health Dept. has stated an interest in working to ensure there are adequate buffers and measures in place regarding the light industrial uses.

The goals of the Comprehensive Plan encourage the proposed pedestrian oriented commercial centers, with a mix of commercial and employment uses, in addition to a mix of housing types and greater efficiency in the use of land in this application. The light industrial employment center, as part of Community Center, is also in conformance with the Plan that states “new light industrial centers should be located in new growth areas of the city.” (Page F 39)

However, there are many specific site issues to resolve. The proposal to designate specific areas as light industrial or commercial is premature until there is further information on the overall development, access and buffers. In addition, more public meetings need to be held with adjacent acreage homeowners. More information on location of wetlands and floodplain areas needs to be determined. The potential for realigning 98th Street needs to be further considered. All of these questions could potentially affect the location of the future commercial and industrial uses.

The proposed Neighborhood Center on the southwest corner of 98th and Holdrege is not in conformance with the principles and strategies of the “Business and Commerce” section of the Plan. The Plan proposes one Neighborhood Center per urban square mile. However, the Plan notes that in areas with less density or served by Community or Regional commercial centers, a Neighborhood Center may not be needed. That is the circumstance here where there is not enough urban residential development to warrant a Neighborhood Center (due to SCC, acreage subdivision and the future Light Industrial/Community Center), and when this area will be adequately served by the commercial uses in Community Center at 98th and O St.

Staff recommendation:

Amend the Comprehensive Plan as follows:

1. Amend the “Existing and Proposed Industrial Centers” on Page F 39 to designate the Light Industrial center at 98th and O Street, to the west of 98th Street as “Unbuilt Approved Center (Site Specific)” as shown on the attached map.
2. Amend the list of proposed locations for Light Industrial centers as follows: ~~“O Street in the vicinity from 90th to 104th Street O Street, west of N. 98th Street”~~ on Page F 40.
3. Amend the “Existing and Proposed Commerce Centers” on Page F 41 to designate a Community Center as “Unbuilt Approved Center (Site Specific)” for the intersection 98th and O Street as shown on the attached map.
4. Amend the list of proposed locations of future Community Centers on page F 46 as follows:
C ~~“East O Street in the vicinity of 90th to 104th Streets N. 98th and O Street”~~

COMPREHENSIVE PLAN AMENDMENT NO. 03011

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 21, 2003

Members present: Carlson, Larson, Duvall, Taylor, Steward and Schwinn; Krieser and Bills-Strand absent.

Staff recommendation: Approval of the site specific "Community Center" at the northwest and northeast corners of 98th and "O" Street; and approval of the "Light Industrial" designation northwest of 98th and "O" Streets.

Proponents

1. Kent Seacrest appeared on behalf of the applicants, who have options for two tracts of land. The area is in Stevens Creek abutting "O" Street but north of "O" Street. They have had three neighborhood meetings and several meetings with staff. Seacrest recited some history, stating that this community has debated Stevens Creek for over 20 years. In the early 1990's we opened up Stevens Creek and snuck a sewer line through the ridge between Stevens Creek and Salt Creek and developed Regent Heights, the neighborhood just south of the Mahoney Golf Course. We then did a second round of development known as Regent Heights II and Northern Lights at 84th & Holdrege. Last year, there were some big changes to the Comprehensive Plan where we finally really opened up Stevens Creek. We basically designated the famous Tier I in the 1-12 year area, and Tier I, Priority B, which together make up a 25-year supply of land. This proposal involves property in the Tier 1, 1-12 year period.

Last year, there was a community center designation of 250,000 to 500,000 square feet of service type uses. This designation was a "floating dot" that was supposed to be proximity related. Also last year, "O" Street out to this site was designated to be 6 lanes in the next 25 years; and 98th from Hwy 2 to Hwy 6 was shown as four-lane (which goes right through the middle of this tract); and Holdrege was designated as 4 lanes.

Seacrest pointed out that there is also a proposed NRD lake that has been master planned in Stevens Creek, and Seacrest has suggested that the community shift 98th Street to get it out of the flood corridor of this new NRD lake. Seacrest and his clients have also worked with SECC and they are in support. The applicant continues to work with the NRD on how to design the lake.

This is also a request to designate a neighborhood center at 98th & Holdrege; however, after three neighborhood meetings, the neighbors are not supportive. Therefore, in the spirit of cooperation, Seacrest stated that the applicant hereby withdraws that part of this amendment.

Seacrest then went on to state that the bottom line is that the NRD is working with this developer, the County and the City on locating that road. The road is not an issue today because it will come later with the plat.

Seacrest then focused upon the only issue today, that being the famous "Light Industrial" or the Big "C". The applicant had submitted some specific areas for light industrial/employment center and the commercial center. After working with staff, they reached a compromise and have agreed to what he will call "sticky dots" as opposed to "floating dots". Now they will stick, but we're not coloring them quite yet. Staff supports the sticky dots because of the close proximity to SECC.

This is a good site that minimizes residential conflicts; it is not in the floodplain for the bulk of the site; and there is the ability to provide adequate buffer. Seacrest believes the commercial center is appropriate and he agreed with the staff recommendation.

Steward noted that had Seacrest not brought up the roadway issue, it would appear that at the level of the current planning for the light industrial and the commercial center, the present location of 98th would not matter greatly. Seacrest concurred.

Opposition

1. Mark Hunzeker appeared on behalf of **Sunrise Estates Community Association**, not necessarily in opposition but to express some concerns. The roadway issue has now been withdrawn so he will defer that discussion to another day, although it is a very serious concern to his client that the proposal was made to skew the roadway to within 300' of the east line of their property in order to simply buffer the proposed residential lots around the lake as opposed to the existing acreage lots on the east side.

Hunzeker also understands that the neighborhood shopping center has been withdrawn, which was also a major concern.

Hunzeker then addressed the issue of major concern, that being the apparent need to annex Sunrise Estates as a pre-condition to moving forward with the project in the progression that is preferred—from north to south. It was rather subtly stated that the intention is to request annexation of all of Sunrise Estates in order to move the city's boundary to a point where it is adjacent to the project limits. That causes some major heartburn when you consider that these folks have known for at least a year that their property is within the future urban area, but based upon previous experience and city policy, it was reasonable for them to expect that annexation would be several years off based upon the assumption not only that there would be some time taken to get the improvements into the CIP, but that they would also be served with gravity flow sewer. Hunzeker believes it is definitely part of this application, although it was not made an issue. This project will be served with a lift station pumping sewage from somewhere near 98th and Holdrege up to the Regent Heights trunk sewer. That would be a significant departure from city policy. Sunrise Estates is not necessarily opposed to the idea of exploring new engineering solutions--it is something that needs to be considered in light of the fact that these residents have had a lot of issues to deal with in negotiating with the city and the developer in terms of the street cross-section, storm sewer, the cost and when the payments are made, sidewalks, street lights, etc. Hunzeker stated that he is simply here to say that this amendment is apparently an attempt to accelerate the annexation of Sunrise Estates, much quicker than could reasonably have been anticipated otherwise. If the Commission approves the recommendation, he would request additional language as follows: "Approval of the proposed industrial center and community commercial center does not imply approval of any method of providing sewer service to the area that does not comply with current city design standards".

2. Peter Katt appeared on behalf of the **Home Builders Association of Lincoln**. With regard to the plan to accelerate development of Stevens Creek, the Home Builders Association is supportive of that policy. There is sufficient market demand. The Home Builders Association is neutral as to the specifics of the project. However, as to the Comprehensive Plan policy implications of this proposal, he believes the applicant has indicated that what is directly in front of the Commission is limited in scope, but Katt suggested that lurking directly beneath the surface are significant public policy decisions having to do with gravity flow sewer systems. The application would require a significant departure from that policy. The Home Builders are not opposed to departing from that policy; however, any policy change should be applied uniformly and fairly to all property owners and developers in the area. And, as a part of that policy decision, how do we decide who gets to use capacity in the Northern Lights trunk sewer if we are pumping to it? This is a policy that should be explored in a broader context than by one developer in the city.

3. Ray Atwood, testified as the owner of 11 acres at 92nd & "O" Street, on the south side of "O" Street. From what he knows, he does not have any opposition to the concept of the light industrial or commercial

zoning, and is not necessarily opposed to the lift station, but he is concerned that any type of sewer system that would not deal with all interests of all parties would appear to be short-sighted and could have quite an impact in terms of the rest of the land owners. It would appear that if a lift station were to be created, it certainly would need to be sized to deal with the rest of the watershed area. If the city were to elect to go forward, a forced main all the way to the Northeast Treatment Plant would seem to be more appropriate, sized to serve the entire west side of the Stevens Creek watershed area. The biggest consideration he would assume that the Planning Commission would want to consider would be whether this represents just a short term solution for a single developer, or more of a long range solution for the city. In the final analysis, this issue would come down to the questions: Is this going to be engineered in such a way that it can serve all of that watershed area, and is it economic at this time in lieu of waiting 5-8 years?

4. Larry Albers appeared on behalf of **Lyle and Eileen Hall**, the owners of land located north of Adams between Stevens Creek and 84th Street. The land currently shows an employment center designation in the N. 84th Street Subarea Plan with the right to change to residential. The Halls' concerns relate to the proposed access to the sanitary sewer trunk line serving the Regents Heights property. The 84th Street Subarea Plan notes describe the Future Urban Area as defined in part by the ability to provide sanitary sewer service. The clear implication in the August 29, 1996, staff report was that the Regents Heights trunk sewer could not serve property beyond the land identified within the 84th Street Subarea. Planning staff certainly did not contemplate at that time the additional burdens proposed to be imposed by adding the development contemplated by this amendment. The Halls strongly object to any future annexation that allows access to the Regent Heights sewer for Phase I, or for any other development, without unequivocal assurances by staff and any consultants that no limitation will occur to the Halls' ability, or their successors' ability, to fully access the Regent Heights trunk sewer, regardless of when development of their tract occurs, or whether development is furthered under the employment center designation or residential designation as permitted by the 84th Street Subarea Plan notes.

Albers further testified that his clients have had a lot of recent interest by four different developers on the employment center tract site. There is a lot of interest in that area for development. There is development across the road to the south and we're likely to see a change in the employment center designation on their site to residential based upon the comments from the interested developers. The 84th Street Subarea Plan permits that change of designation to residential, which also means potential for more intensive use of the sewage system. The Halls want assurance that those who wish to continue to access the Regent Heights trunk sewer will have the ability to do so, regardless of when their property develops.

5. Steve Bussey, appeared on behalf of the **Sunrise Estates Community Association**, and expressed concern about the Association not having had adequate notice and opportunity to respond to this proposal. The Association has not had the opportunity to determine what effect an annexation might have. Right now, he believes the Sunrise Estates Community Association is in a questionable position because the property owners do not know what it means to have their area annexed for the benefit of this developer, and they are definitely opposed to annexation for the benefit of this developer/property owners.

Schwinn suggested that the Sunrise Estates Association needs to be involved. However, he suggested that what the Commission is doing today is minor, and what will be coming forward will be something more on line with a subarea plan and the Association will need to be involved in that subarea planning process. Developers are aware that they don't get very far around here unless they work with the neighbors.

Staff questions

Steward's assumption is that what we're doing here on this amendment (especially the way it has been modified without the north property and the road configuration) technically implies absolutely nothing about annexation, and implies absolutely nothing about the sewer trunk line. Steve Henrichsen concurred. Steward further surmised that it may have those potential implications, but those implications will be

reviewed in detail according to the plans that will be submitted at a later date. Henrichsen concurred. This amendment does nothing in regard to 98th Street, annexation or how it will be sewerred.

It was clarified that Sunrise Estates is on a private sewer system outside of the city.

Carlson questioned whether the light industrial and commercial are in the same locations as in the current Plan. Henrichsen stated that generally, they could be within ½ mile, but this amendment generally provides that the community center would be on the north side of “O” Street and the light industrial would be on the west side of 98th Street and north of “O” Street. There are no specific distances.

Response by the Applicant

Seacrest indicated that they did meet with the Sunrise Estates Board a month ago and they also agreed to meet with the homeowners and he did a distribution of property owners within ½ mile of the entire site for a third neighborhood meeting. Seacrest acknowledged that the applicant did make promises to give details, but we are not yet at the detail stage. He assured that there will be further neighborhood meetings.

With regard to any intent to force Sunrise Estates into the city limits, Seacrest stated that the subject site abuts Southeast Community College, which is partially inside the city limits. That is a city issue and this development would not be annexing Sunrise Estates.

Seacrest further pointed out that Sunrise Estates is the first model “build-through”--they knew that someday they would be annexed. We are not forcing them in early. The Comprehensive Plan indicates 1-12 years for them as well as us. Seacrest reiterated that the annexation of Sunrise Estates is a city issue.

Seacrest also pointed out that Mr. Atwood is located in Priority B, which is 12-25 years. Based on the CIP, the big trunk is shown coming in two phases at Havelock Avenue in 2005 and to Adams in 2008, so the city has plans to bring the big trunk down. The subject property would be sewerable in the second leg in 2008. Northeast Lincoln is going to be out of lots in 2-3 years so this applicant has proposed a “temporary” pump.

Seacrest stressed and assured that the applicants want to work with the city and all of those property owners that came in with Regent Heights and Northern Lights, like Mr. Hall. Sewer studies have been submitted to show the capacity of the Regent Heights line. We assumed they got in. Mr. Hall, in our assumption, was fully in in 2005, so we are not doing anything to those property owners that were in the Regent Heights area. We show that those property owners get to come in and there is still capacity, in our judgment.

Seacrest then addressed the comments from Randy Wilson which indicate that only one of the first three phases can get in. Seacrest further suggested that after the Randy Wilson comments to this proposal, the city discovered a bottleneck in the Regent Heights line at the Burlington Northern railroad track crossing by Highway 6. When we took a television camera through it, it has sunk and the flow was going back the other way. The city is going to fix that line this summer because it’s a dangerous situation. The applicants have submitted a revised sewer study that shows that all of the phases can still get in the Regent Heights line, along with everybody else that thought they were going to get in that line, after that line is fixed.

Seacrest submitted an excerpt from the Final Report of the Mayor’s Infrastructure Finance Committee which recommends that forced mains be allowed as a temporary facility. This is now being proposed as a city policy; however, it has not yet been adopted.

Seacrest further pointed out that no one is opposed to “sticking” these light industrial and commercial areas.

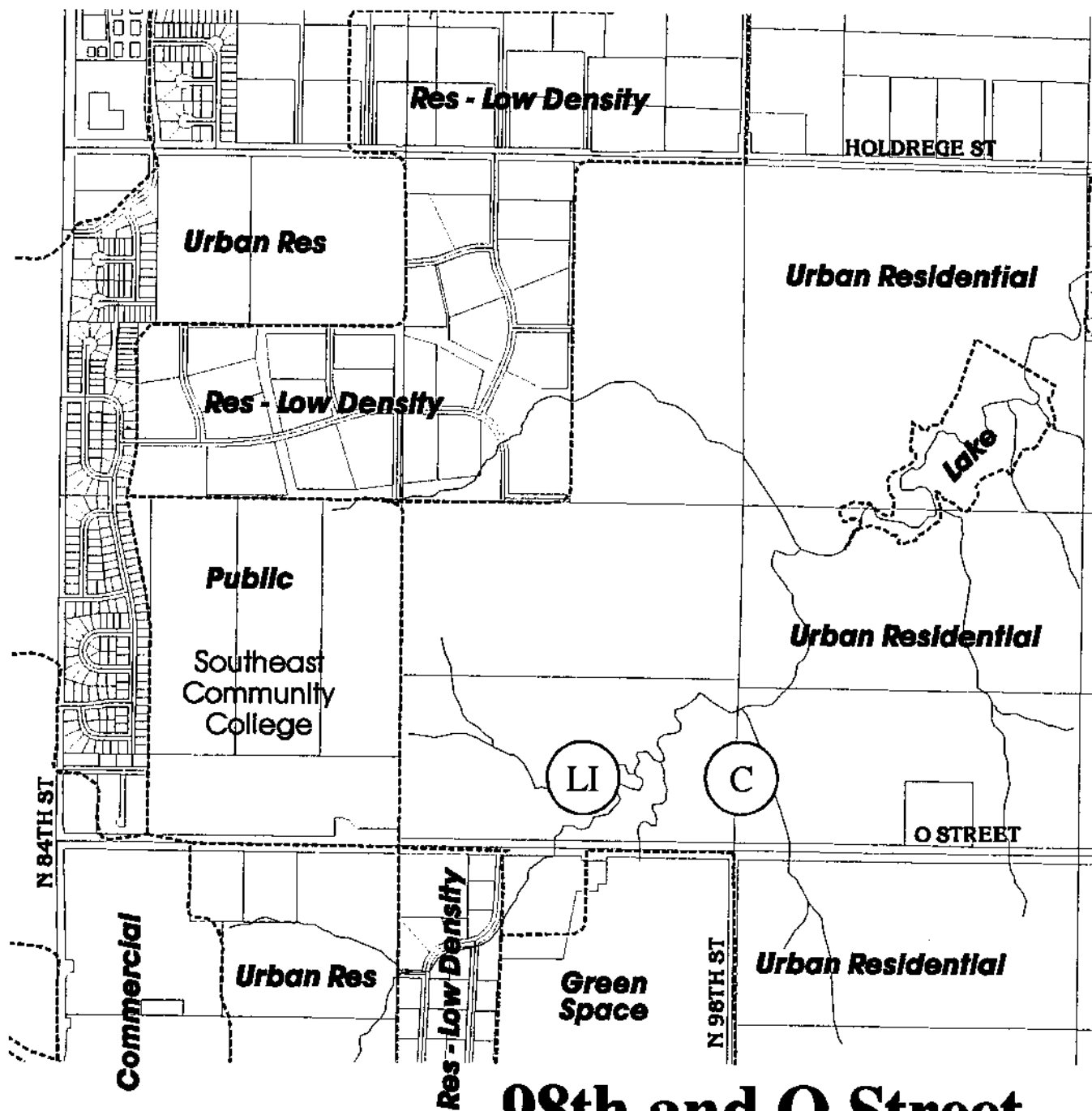
COMPREHENSIVE PLAN AMENDMENT NO. 03011
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 21, 2003

Duvall moved approval of the staff recommendation, seconded by Larson.

Steve Henrichsen of Planning staff clarified that the motion is approval of the staff recommendation, which is slightly different than what the applicant was requesting. The applicant has withdrawn the designation of the Neighborhood Center at 98th and Holdrege. The applicant's request is reflected on the map on p.102 of the agenda. The staff recommendation is reflected on the map on p.101.

Motion to approve the staff recommendation carried 6-0: Carlson, Larson, Duvall, Taylor, Steward and Schwinn voting 'yes'; Krieser and Bills-Strand absent.



98th and O Street

Recommended Amendment #11

- Future Service Limit
- Land Use Boundary
- Res** Land Use Category



Unbuilt Approved Center
Site Specific



C Community



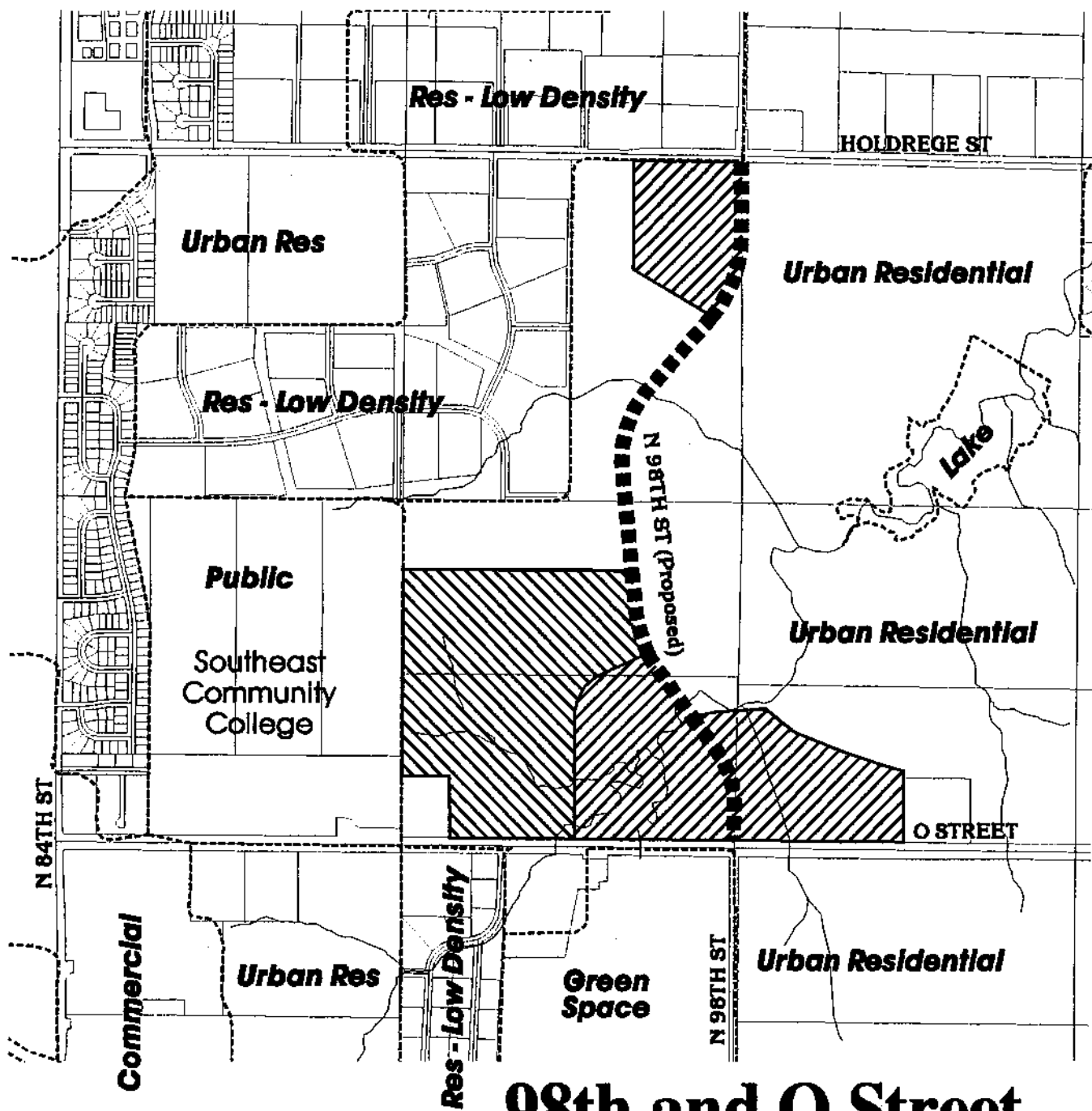
LI Light Industry



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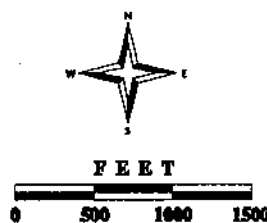




98th and O Street

Applicant Proposed Amendment #11

- Future Service Limit
- Land Use Boundary
- Res** Land Use Category
- From Urban Res to Commercial
- From Urban Res to Industrial



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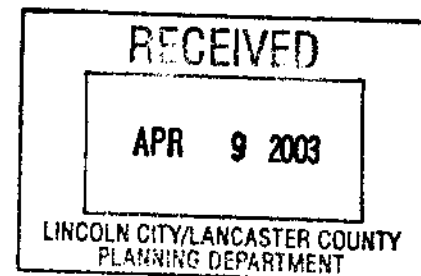
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April 9, 2003

Marvin Krout
Planning Director
County-City Building
555 South 10th
Lincoln, NE 68508



RE: Proposed Comprehensive Plan Amendments: Area located between Holdrege Street and "O" Street in the N. 98th Street vicinity

Dear Marvin:

This letter is a follow-up to our meeting with you Monday regarding our original Comprehensive Plan Amendment request dated February 21, 2003, for the above referenced area. Our law firm represents Meginnis Farm Joint Venture ("Meginnis"), Ridge Development Company ("Ridge") and Southview, Inc. ("Southview"), the owners or optionees of the following two tracts of property located north of "O" Street on the west side of Stevens Creek:

- (i) Meginnis Tract: The tract's legal description is attached.
- (ii) Finke Tract: The tract's legal description is attached.

Answer 1: On behalf of Meginnis, Ridge and Southview, we hereby request that the City of Lincoln-Lancaster County Comprehensive Plan be amended as follows:

- Amend Lincoln/Lancaster County Land Use Plan (F-23) and Lincoln Area Detail from Lincoln/Lancaster County Land Use Plan (F-25) to show the following:
 - Community Center on the northwest and northeast corners of East "O" Street and North 98th Street as shown on Exhibit "A".
 - Light Industrial/Employment Center surrounding the Community Center located northwest of East "O" Street and North 98th Street as shown on Exhibit "A".
 - Neighborhood Center on the southwest corner of Holdrege Street and North 98th Street as shown on Exhibit "A".
- Amend the Existing and Proposed Commerce Centers map (F-41) to show the following:
 - "C"--Community Center on the northwest and northeast corners of East "O" Street and North 98th Street as shown on Exhibit "A"; and
 - "N"--Neighborhood Center on the southwest corner of Holdrege Street and North 98th Street as shown on Exhibit "A";

- o Amend the Existing and Proposed Industrial Centers map (F-39) to show Light Industrial/Employment Center surrounding the Community Center located northwest of East "O" Street and North 98th Street as shown on Exhibit "A".

Answer 2: For over twenty years, the Community has dialogued and debated whether to open up Stevens Creek. In early 1990's the City answered the question and amended the Comprehensive Plan to permit urban residential development in the Stevens Creek Basin with the approval of the Regent Heights Subdivision. Again, the City in the mid to late 1990's allowed additional development inside the Stevens Creek Basin with the approval of the Regent Heights II/Northern Lights Subdivision and related urban residential and commercial development on the four corners of North 84th Street and Holdrege Street.

The elected officials unanimously endorsed opening up more of Stevens Creek in a phased manner with the adoption of the 2002 Comprehensive Plan. The Comprehensive Plan affirmatively states the community desires to:

- develop the north two-thirds of the west side of Stevens Creek in the next twenty-five years;
- the balance of the west side and the north one-fourth of the east side of Stevens Creek in fifty years; and
- the balance of the east side in over fifty years.

The Property currently is shown in the 2002 Comprehensive Plan within Priority A of Tier I of Stevens Creek, designating it for development within the first twelve year period. The current Comprehensive Plan places both a LI (Light Industrial) and a C (Community Center) designation near the vicinity of the East "O" Street and 98th Street intersection. The Meginnis Tract comprises the northwest corner and the Finke Tract comprises the northeast corner of the East "O" Street and 98th Street intersection. Our proposed Comprehensive Plan Amendments would formally designate a proposed Light Industrial/Employment Center, Community Center and Neighborhood Center on the Meginnis and Finke Tracts.

It is our intention to apply for annexation, change of zone and preliminary plat on the Meginnis and Finke Tracts by June of this year. Our proposal will request urban services in the next twelve months on a portion of the west side of Stevens Creek between "O" Street and Holdrege Street. Our proposal will also include the developer, at its expense, constructing a temporary pumping facility and force main to transfer an appropriate amount of sewage into the Northern Lights sanitary sewer trunk line until the City can secure the necessary funds to construct the gravity flow sanitary sewer trunk line in Stevens Creek. The new urban development area and temporary sewage pumping facilities would have to be properly sized and designed with safeguards to insure the capacity of the Northern Lights trunk line is not exceeded.

We believe our requested Comprehensive Plan Amendments (and our June proposals) are consistent with the current Comprehensive Plan's Tier 1-Priority A, LI (Light Industrial) and C (Community Center) designations.

Answer 3: For the anticipated impacts and mitigation measures, see Answer 2 above. The real estate and residential building community has desired new Stevens Creek growth for many, many years. The 2002 Comprehensive Plan stated this section of Stevens Creek (north of

East "O" Street) as the best candidate to begin the new Stevens Creek growth. This proposal meets the market's large hunger for additional northeast and east Lincoln lots and commercial sites, which growing the area in a contiguous and orderly fashion as described by the 2002 Comprehensive Plan.

The Comprehensive Plan promotes economic development strategies, and this site has the potential to become one of Lincoln's best draws. This development provides a major new employment center site for existing and new businesses and companies to grow and expand. The proposed abutting retail areas will provide needed services and retail goods within walking distance to both the new employment center, as well as new residential dwellings. The new development opportunities will allow Southeast Community College to provide education and training for jobs and life's future skill sets. The abutting location between Southeast Community College, the Employment Center and Commercial Center provides the College, LPED, Chamber and LIBA new potential and paradigm relationship for economic development never seen before in Lincoln.

U.S. Highway 34 (East "O" Street), Holdrege Street and the new 98th Street also provides a very desirable access to the two tracts and traffic circulation to and from the surrounding region. Another important economic development strategy is to bridge connections with Omaha and reduce time travel opportunities. This development represents a major opportunity to join economic forces and synergy with Omaha and the I-80 corridor.

The mix of quality traffic patterns, high visibility, regional draw and minimum neighboring land use conflicts (compared to other large commercial sites), combines to provide an exiting new development that will add to the tax base and increase the City's net sales tax receipts.

Definitive designations of the Commercial Center, Light Industrial/Employment Center, and Neighborhood Center will provide needed commercial services, job opportunities and consumer choices to Northeast Lincoln and the abutting sections of land. In addition, the definitive designations will provide public notice to the abutting landowners of the proposed uses of the Property. All three tracts' development via a use permit/special permit will insure proper site review to minimize impacts to surrounding neighbors and provide an overall net benefit to the area.

Answer 4: We believe our Comprehensive Plan Amendments are consistent with the Guiding Principles From the Comprehensive Plan Vision, Guiding Principles for the Urban Environment, Priority Area Plan for Tier 1, Summary of Comprehensive Plan Assumptions, Commercial Growth Component, General Principles for All Commercial & Industrial Uses, Industrial Centers, Commerce Centers, Community Center (C), Neighborhood Centers (N), Environmental Resources, Residential, Utilities, Mobility & Transportation, and Financial Resources.


See Answer 2 for additional reasoning. We believe the specific designation of the Community Center, Neighborhood Center and Light Industrial/Employment Center will provide certainty to the surrounding acreages, recreational and agricultural interests. We believe our Amendments keep the Comprehensive Plan in tact and in balance.

Answer 5: We will hold a neighborhood meeting with the affected property owners prior to the Planning Commission's public hearing on these proposed Comprehensive Plan Amendments. As part of the neighborhood outreach effort we will also review the following proposed submittals with them:

- Subarea Master Plan
- Annexation request and related Annexation Agreement
- First phase Preliminary Plat
- First phase Change of Zone

We look forward to continuing our discussions regarding this request with you as a new amendment to the Comprehensive Plan.

Yours very truly,


KENT SEACREST
For the Firm

Enclosure

cc: Mayor Don Wesley
Council Member Colleen Seng
Richard Meginnis
Richard Finke
Southview, Inc
Ridge Development Company

017

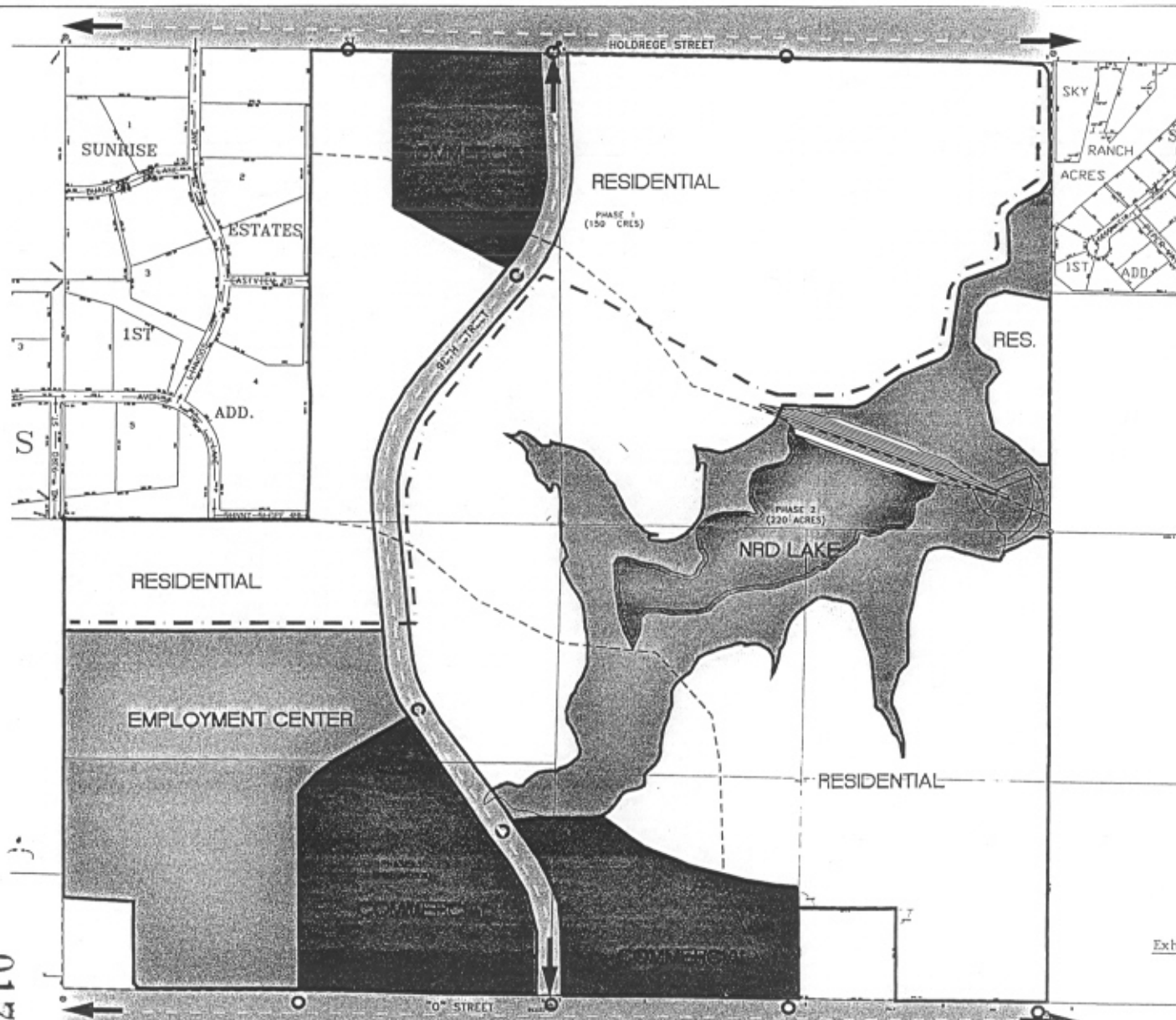


Exhibit "A"



- LEGEND**
- PROPOSED ZONING LIMITS
 - - - PROPOSED PHASING LIMITS
 - - - PROPOSED BIKE TRAIL
 - FULL MEDIAN OPENING

<p>OLSSON ASSOCIATES PLANNERS, ENGINEERS, ARCHITECTS 1101 N. LINCOLN ST. SUITE 200 LINCOLN, NE 68502 PHONE: 402.441.1101 FAX: 402.441.1102</p>							
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<p>MECHINIS & FINKE PROPERTIES LAND USE & PHASING PLAN</p>							
<p>LINCOLN, NEBRASKA</p>							
<p>2003</p>							
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Mayor's
Infrastructure
Finance
Committee



May 2003



SUBMITTED AT PUBLIC HEARING BEFORE
PLANNING COMMISSION BY KENT SEACREST
ON MAY 21, 2003



Temporary Wastewater Services Using Alternative Practices

1. Force Mains as Temporary Facilities

"The Work Group recommends the selective deployment of force mains and lift stations as a temporary means for opening an area for future development. Developers would have to share in the costs of such systems. These systems would be replaced at such time as gravity flow services become available."

2. Service Considerations

"The use of force main and lift stations would need to take into consideration these issues:

(1) the collection main into which the effluent is being pumped must have available capacity for the projected life of the force main or lift station; (2) a written agreement regarding the specific geographic area contributing effluent via the force main or lift station must be defined prior to the provision of services; and (3) as force mains and lift stations are more expensive to maintain than a gravity flow system, a written agreement regarding the developers contribution to the maintenance of the main or station must be in place prior to the provision of services."



cc: Planning Commission

Kent Seacrest

Public Works

City Attorney

Mr. Steve Henrichsen

City of Lincoln Planning Department

555 South 10th Street

Lincoln, NE 68508

RECEIVED

MAY 19 2003

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

RE: Sunrise Estates Community Association response to proposed comprehensive amendment #11

Dear Steve:

On May 7, 2003, Kent Seacrest presented the high-level aspirations of his client for the potential development of the land generally located at 98th & Holdrege to "O" street. Commonly known as the Meginnis property. This development directly abuts the community association of Sunrise Estates for a distance of approximately ¼ mile. Following Kent's presentation, all members (28 homes) voted their position on how we as an association and rural acreage neighborhood would like to proceed. FYI, 27 out of 28 residents voted to become actively involved and oppose this proposed development plan and potential annexation. By virtue of the vote, you can see that we do have very strong interest in this issue and a desire to participate in the development plans.

It should be noted that in Kent Seacrest's application for their proposed comprehensive plan amendments, Kent stated in "Answer 5" that "he would provide us with a master plan, annexation request and related annexation agreement, first phase preliminary plat and first phase change of zone". You should know that all we were provided with was a diagram of their desired land use with absolutely no specific detail. Because of this, it concerns us that at this phase of the development by granting their amendment(s) you are essentially granting a zone change without specific information and public input that is required for a zone change. We would ask that before any comprehensive plan amendments are approved, that additional specifics be presented and an opportunity to respond duly given. For in the absence of the required details, you may be granting a zone change and the resulting neighborhood effects without knowing all the specific details that are normally revealed when following the established zone change ordinances and protocol.

Accordingly, we would like to submit the following information in response to Ken Seacrest's presentation and discussion. Furthermore, we would like to thank you in advance for your support. You should know that we aren't flatly resisting the eventual development. However, we firmly believe the time frame as planned is far too accelerated and that the developer is not being sensitive enough to our environment given the significance this development will have on us.

There are 5 major concerns we as an association have regarding this development. Listed hereunder, in no particular order, you will find our specific concerns. They are:

- 1) Transition of land use should be gradual
- 2) Timing of development
- 3) Annexation
- 4) 98th street realignment
- 5) Commercial at 98th & Holdrege

Transition of Land Use Should Be Gradual

Sunrise Estates is here as an acreage community planned and approved by the city planners. Our acreage community did not move to the country, rather this urban development is moving to us. Because our development met all city development plans, we believe you have a responsibility to ensure that the transition from our low-density land use to a higher density land use is gradual and buffered, rather than aggressive as planned. We believe the developed land directly adjacent to our homes should also be low density. We strongly propose that the residential lot sizes abutting our property be ½ acre minimum for the land directly between us to 98th street. 98th street will make for a clear and identifiable transition point where more dense population units and commercial area could begin to the east. FYI, the distance between our development and the middle of 98th is only ¼ mile. Minus the right-of-way land, our request is for a very minimal parcel of land to be ½ acre lots. This gradual transition would create far less tension and more cooperation for all parties, not only now, but in the future as well. We should do everything possible now to prevent a "we" versus "them" scenario, which will easily happen if development is not done properly.

While a park area for this entire section of land may not be possible, we would encourage and support a city park area in the transition area. Furthermore, our association owns approximately 10 acres of commons property that could be used as a city park if the developers were to agree to donate an equal portion of their land. This city park could easily connect via a bike path with the NRD dam, creating a very beautiful sight while transitioning from rural to urban. Just recently we planted several acres of this land in Nebraska native grasses. The collective land of ours, and theirs, could create an excellent environmentally sensitive area that would have educational, environmental and recreational benefits. We hope to have your support on this rare opportunity to preserve and change simultaneously.

Timing of Development

In the last several years, all dates provided by the planning department for development were 10 years or more until this land would be developed. Then last year's comprehensive plan changed the time to 1-12 years, with the expected development time of 6-12 years due to the required main sewer trunk-line. Now, 1 year later and on the heels of what appears to be disinformation, the developer is saying they want development to begin this year. Because there are many new homes and homeowners in this area who built or bought with the understanding of development being several years into the future, we would ask that the accelerated development plan not be allowed. Allowing this accelerated development via a sewer lift system would totally contradict the recent information provided by the planning department that we based our decisions on. We know that development will come, we just ask that it come closer to the average 10 year forecasts recently made by the planning department (or the 20 year forecast communicated a mere two years ago).

Annexation

Our rural acreage community is very fortunate in that we have paved roads (just like the newly developed Wilderness Ridge Golf Estates in south Lincoln) with street lighting, some of the best ground water in Lincoln at a rate of 20 gallons per minute, and functioning septic and lagoon systems. Additionally, our crime rates are low and there are no apparent health or safety concerns for any of our homeowners. Because of these issues, there is absolutely no pressing health or safety need for city services. Unlike many rural communities, we self-sustain with no negative environmental impact on ourselves or others near us. In fact, not only are our homeowners happy, so is the wildlife. We have a large population of pheasants, quail, bluebirds, ducks, meadowlarks and goldenrod, and many more plant and animal species. This is because many of our homeowners have created wildlife habitat/conservation areas. Ecologically friendly areas like these are rapidly declining due to the ever-

increasing expanse of urban sprawl and we hope you will consider this important aspect into any decision. We also have Waverly school buses that arrive at our front doors that safely transport our children to our schools of choice. For these and many other reasons, we have absolutely no desire or need to be annexed and urbanized by the city of Lincoln. Furthermore, due to the fact that this development's future currently depends upon ordinance exceptions and unique approvals beyond normal growth CIP plans, we believe our properties should not be linked in any way to the this development and we will resist annexation at this time.

98th Street Realignment

The proposed curvature of 98th street is very bothersome to us. We can accept the fact that that 98th may be a road at some point in the future. Having 98th street intentionally curved directly toward our property could not have been imagined and is totally unacceptable. It's apparent that the developer is attempting to move 98th street and commercial development toward our community in the interest of creating their own pristine "island" of homes void of 98th street and commercial development. Let's face it, few resident want to be next to a major arterial. To allow the curvature of 98th street so as to insulate their homes from its consequences, to our detriment, is unconscionable. I seriously doubt you will support our desired request to curve 98th toward 101st, so I trust you will not allow them to curve 98th toward 95th. The fact that they have even made this proposal clearly demonstrates their lack of desire to be a good neighbor.


Commercial at 98th & Holdrege

Once again, it's apparent the developer is attempting to push the undesirables towards us, while creating their own quiet area. This attempt illustrates an obvious disregard for our homes. Given the time frame for development in this area, plus the fact that there will some day be commercial development at 84th & Holdrege, we see no reason to allow this corner to be commercialized. As with the higher density homes, when they are built the commercial centers should be located on the east side of 98th street, not the west. Please do not allow this developer to push the undesirable land use areas towards or on us!

In closing, while we are not likely to actively oppose the employment center in and around 98th & "O" street, we do think more details should be made available prior to granting amendments of this magnitude for this specific site. Furthermore, because details are non-existent at this time, we hope you will provide us with the assurance of significant buffering and distance separation so as to protect our families from the noise, traffic, pollutions, crime, etc., that may accompany a commercial development if you do grant this request.

Thank you for the opportunity to present our information. We certainly hope and trust that Lincoln City Government will not allow the interests of one developer to push the proposed development upon us which will create long term hardships for all interested parties.

Submitted on behalf of Sunrise Estates Community Association Members


Doug Beran
President, SECA

cc: Mayor Colleen Seng
Council member Patte Newman

Larry V. Albers

Attorney

Suite 320 Commerce Court
1230 "O" St, Lincoln, NE 68508
tel: 402-438-4421 fax: 402-438-4680

MEMORANDUM

TO: Lincoln City/Lancaster County Planning Commission
CC: Steve Henrichsen, Steve Masters, Kent Seacrest
FROM: Larry V. Albers
DATE: May 21, 2003
RE: Comp. Plan Amend. No. 03011, Meginnis Farm Joint Venture, et. al.

I represent Lyle and Eileen Hall, owners of land located north of Adams situated between Stevens Creek and 84th Street. The land currently shows an "employment center" designation under the North 84th Street Subarea Plan, with the right to change the designation to "residential".

The Hall's concerns with the proposed Comprehensive Plan Amendment offered by Meginnis, et. al., relates to the proposed access to the sanitary sewer trunk line serving the property within the "North 84th Street Subarea", referred to as the Regents Heights trunk sewer. The 84th Street Subarea Plan Notes describe the Future Urban Area as defined in part by the ability to provide sanitary sewer service. The Staff Report of August 29, 1996 also recites that "considerable discussion and analysis went into the review of the options for sanitary sewer service" and recognizes the limitations inherent in serving the 84th Street Subarea. The clear implication of the Staff Report was that the Regent's Height trunk sewer could not serve property beyond the land identified within the 84th Street Subarea. Planning staff certainly did not contemplate at that time the additional burdens proposed to be imposed by adding the development contemplated by the Meginnis Plan Amendment.

The Inter-Office Memorandum of Randy L. Wilson, Superintendent of Water Pollution Control,¹ setting out his "Comments" to the Meginnis Amendment states:

"Based upon our review and conversations with the consultants we have indicated to them that the Regent Heights outfall sewer has limited capacity for additional development beyond what was originally anticipated and that we would only allow the first phase of development to discharge into the Regent Heights outfall sewer. Development above and beyond that level would require that the wastewater flows be directed (pumped) to the Stevens Creek trunk sewer system."

¹ Addressed to Steve Henrichsen, dated April 24, 2003.

The Comments goes on to note that a phased development could occur, with Phase I constituting approximately 113 acres. Beyond Phase I, the Stevens Creek line would need to be constructed and accessed. In conversation with Steve Masters, we understand that Staff's analysis relied extensively on the report prepared by Olsson Associates, and that the analysis did take into account the capacity required upon development of the Hall's property, regardless of when the development occurred. Assurances were given that with a phased development by Meginnis, the Halls would not be limited in any manner to developing their land.

Based upon the representations of Staff, the Halls do not object to any Amendment setting forth land use designations, but will strongly object to any future annexation that allows access to the Regents Heights sewer for Phase I, or for any other development, without unequivocal assurances by Staff and any consultants that no limitation will occur to the Hall's ability, or their successor's ability, to fully access the Regents Height trunk sewer, regardless of when development of their tract occurs, or whether development is furthered under the employment center designation, or residential designation as permitted by the 84th Subarea Plan Notes.²

² See item B.

PIERSON, FITCHETT, HUNZEKER, BLAKE & KATT
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May 21, 2003

Greg Schwinn, Chairman
Lincoln/Lancaster County Planning Commission
555 So. 10th Street
Lincoln, NE 68508

Re: *Comprehensive Plan Amendment No. 03011, 98th & O Street*

Dear Greg and Members of the Planning Commission:

We represent Sunrise Estates Community Association. The proposed Comprehensive Plan Amendment referenced above would make significant changes to the Comprehensive Plan in the area immediately east of Sunrise Estates. We would offer the following observations and comments on the proposed Amendment.

1. The Applicant has proposed realigning 98th Street between O Street and Holdrege Street in a manner which moves a principal urban arterial, within approximately 300 feet of the eastern boundary of this acreage subdivision. No rationale for the realignment of 98th Street is stated; however, in presentations to the Association, Mr. Seacrest has indicated a desire to maximize the number of residential lots between 98th Street and the proposed NRD Lake. In our estimation that is insufficient rationale for moving a roadway nearly 1,000 feet closer to an existing low density residential area than would otherwise be the case. **We support staff's recommendation not to include the realigned 98th Street in this Amendment.**
2. The proposed Amendment would designate a neighborhood shopping center at the Southwest corner of 98th & Holdrege. We agree with the planning staff analysis that the proposed center is not in conformance with the principals and strategies of the "Business and Commerce" section of the current Plan. As you can see from the attached Plat map, the area north of Holdrege is developed into acreages, and a substantial portion of the property south of Holdrege is either acreage or other non-residential use. Also, the general alignment of Steven's Creek is shown on the attached drawing as running diagonally across the section bounded by 98th, 112th, Adams, and Holdrege. No urban development is contemplated east of Steven's Creek. Considering the Southeast Community College Campus, the proposed industrial center, and the community commercial center proposed by the Applicant, the commercial needs within this section should be well served by the

Community Center. **We support the recommendation of the Planning Department not to include the proposed neighborhood shopping center at 98th & Holdrege.**

3. Mr. Seacrest has indicated that the Developer will be bringing forward a preliminary plat for this area very soon. He indicated that a proposal will be made to utilize a force main and pumping station to serve the new development. While this may be technically feasible, it has never been the policy of the City of Lincoln to ignore its design standards solely for the purpose of accelerating development, especially on such a large parcel of land. The acreage owners in Sunrise Estates have had every reason to believe that it would be several more years before trunk sewer lines would be available to urbanize this area. Other acreage owners at the perimeter of the City - even those with community water and sewer systems - have had ample notice and opportunity to negotiate agreements with the City regarding annexation, potential special assessment districts, design standards for roadways, sidewalks, street lighting, and other major changes to their neighborhood prior to annexation. In addition to those issues, Sunrise Estates Community Association would like to have opportunity for input as to the land uses, particularly in the transition area along the east boundary of Sunrise Estates, as well as other issues prior to these Developers submitting plans for approval.

Please understand that we do not necessarily oppose the possibility of using methods other than gravity to serve the Steven's Creek basin with sewer. However, we are concerned that the method proposed by this Developer will have a twofold impact on Sunrise Estates: a) it will accelerate the project and potentially put Sunrise Estates under extreme pressure with respect to all the annexation issues outlined above; and b) unless the method of providing a sanitary sewer to this project is of sufficient size and capacity to serve other property upstream, it may have the effect of concentrating virtually all development in east Lincoln in the backyards of the Sunrise Estates Homeowners.

Therefore, we request that in the event the Planning Commission approves any part of the proposed Amendment that the following statement be included as part of its recommendation: **Approval of the proposed light industrial center and the community commercial center does not imply approval of any method of providing sewer service to this area which does not comply with current design standards.**

Sincerely,



Mark A. Hunzeker
For the Firm

MAH:sb

(G:\WPData\MH\Planning Commission Schwinn 5-21.ltr.wpd)

ADAMS ST

Forty Golf Course

8TH ST

N 12TH ST

HOLDREGE ST

PROPOSED
NEIGHBORHOOD
SHOPPING
CENTER

ST

17-23-200-002-000